

IV. REMARKS

By this amendment, claims 1, 10, 15 and 18 have been amended and claims 9, 15, 17, 19 and 25-52 have been canceled. As a result, claims 1-24 remain pending in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested. In the Office Action, the specification is objected to. Applicants have amended the specification in accordance with the Office's suggestions. Claims 15, 20, 30, 42, 44, 45 and 51 are objected to. Applicants have amended or canceled the claims to address the objections. Claims 19-33 and 51 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have canceled these claims. Claims 25-33 are rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. Claims 1-52 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hughes (U.S. Patent Pub. No. 2005/0160395), hereafter "Hughes," in view of Shimada (U.S. Patent No. 6,697,965), hereafter "Shimada."

Applicants assert that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to newly amended independent claims 1, 10, 15 and 18, Applicants submit that the cited references fail to teach or suggest

comparison of an independently developed code pattern with other code patterns stored in a data structure to determine whether a best practice violation has occurred based on the ranking on the matched code pattern. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

V. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: July 7, 2008

/Hunter E. Webb/

Hunter E. Webb

Reg. No.: 54,593

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew